

DISTRICT OF COLUMBIA
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 ALCOHOLIC BEVERAGE AND CANNABIS BOARD
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 MEETING

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 IN THE MATTER OF: :
 :
 Play DC Restaurant :
 & Lounge, LLC :
 t/a Play DC Restaurant :
 & Lounge :
 1541 7th Street NW : Summary Action
 Retailer CT - ANC 2G : Hearing
 License No. 112274 :
 Case #23-251-00017 :
 :
 (Patron Shot Inside of :
 the Establishment, :
 Allowed the Establishment :
 to be Used for an Unlawful :
 or Disorderly Purpose) :
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Wednesday
 August 16, 2023

The Alcoholic Beverage and Cannabis
 Board met via WebEx videoconference, Chairperson
 Donovan W. Anderson presiding.

PRESENT:

DONOVAN W. ANDERSON, Chairperson
 BOBBY CATO, JR., Member
 EDWARD S. GRANDIS, Member
 JENI HANSEN, Member
 JAMES SHORT, JR., Member

ALSO PRESENT:

DANAEL TESFAYE, Applicant
 ANDREW KLINE, Applicant Counsel
 CAMERON MIXON, Applicant Counsel
 ANTHONY CELO, DC OAG
 BISOLA ONI, DC OAG

P-R-O-C-E-E-D-I-N-G-S

1:50 p.m.

CHAIRPERSON ANDERSON: The next case in our calendar is a summary suspension hearing, Case No. 23-251-00117, Play DC Restaurant and Lounge, License No. 112274.

Mr. Carter, can you please elevate the licensee, the licensee's attorney, and whoever else is on the line for Play DC, please?

MR. CARTER: Yes, Mr. Chairman. Andrew Klein has been elevated. Cameron Mixon has been elevated. Anthony Celo has been elevated. Bisola Oni has been elevated. That is all.

CHAIRPERSON ANDERSON: Thank you.

MR. KLINE: Licensee Danael Tesfaye should be on. He needs to be elevated.

CHAIRPERSON ANDERSON: Mr. Carter, do you see Mr. Tesfaye? He needs to be elevated.

MR. CARTER: Yes. Great.

MR. KLINE: Thank you.

CHAIRPERSON ANDERSON: Thank you, Mr. Kline. Hold on, please. All right, good afternoon, everyone. This is a summary suspension hearing, so let me have the parties

1 identify themselves for the record. All right?
2 So I'll have the government, I'm not sure who
3 stated this, so whoever the government attorney
4 who wants to identify themselves first can go
5 ahead.

6 MR. CELO: Assistant Attorneys General
7 Anthony Celo and Bisola Oni are on behalf of the
8 government. I am Anthony Celo, A-N-T-H-O-N-Y
9 C-E-L-O.

10 CHAIRPERSON ANDERSON: Ms. Oni, can
11 you please spell and say your name for the
12 record, please?

13 MS. ONI: Yes. Assistant Attorney
14 General Bisola Oni, B-I-S-O-L-A O-N-I.

15 CHAIRPERSON ANDERSON: Thank you. Mr.
16 Klein, can you please identify yourself on the
17 record, please?

18 MR. KLINE: Good morning, Mr.
19 Chairman, members of the Board, Andrew Klein here
20 on behalf of the licensee.

21 CHAIRPERSON ANDERSON: Who else is
22 here with you, Mr. Klein?

23 MR. KLINE: Cameron Mixon of the
24 Veritas Law Firm is with me, and Danael Tesfaye,
25 who is the principal of the licensee, is also

1 here.

2 CHAIRPERSON ANDERSON: Mr. Mixon, can
3 you please identify yourself on the record,
4 please, by spelling your name?

5 MR. MIXON: It's Cameron.
6 C-A-M-E-R-O-N, Mixon, M-I-X-O-N.

7 CHAIRPERSON ANDERSON: Mr. Tesfaye,
8 can you spell and say your name for the record,
9 please? And if you have a camera, can you turn
10 it on, please?

11 MR. TESHAYE: Danael Tesfaye,
12 D-A-N-A-E-L T-E-S-F-A-Y-E.

13 CHAIRPERSON ANDERSON: Thank you. Do
14 you have a camera so you can turn on?

15 MR. TESHAYE: Yes, you guys can see?

16 CHAIRPERSON ANDERSON: No, I can't see
17 you. All right. Yes, I can see it okay. Mr.
18 Celo, are there any preliminary matters in this
19 case, sir?

20 MR. CELO: Yes, Mr. Chair. An offer
21 in compromise for Board approval has been reached
22 and I understand has been submitted to the Board.
23 We would request the adoption of that offer in
24 compromise on behalf of both the District and the
25 licensee.

1 CHAIRPERSON ANDERSON: Well, one of
2 the things I will ask you, sir, why don't you
3 just give us a synopsis of why are we're here
4 today? And unfortunately, it has to be done at
5 least one time. I'm not going to do it, but I'm
6 going to ask you to after you give us a synopsis,
7 please read into the record what the offer in
8 compromise is.

9 MR. CELO: Yes, Mr. Chair, I would
10 note that it is an eight page OIC. You do wish
11 me to read the entirety into the record?

12 CHAIRPERSON ANDERSON: I'm trying to
13 figure out how to have a record because you are
14 aware that we have a court reporter. And so in
15 order to have a transcript of this case, if you
16 don't read it, the court report, when you ask for
17 a transcript of this case, you have nothing,
18 because I'm not quite sure how.

19 MR. KLINE: If I may suggest, Mr.
20 Chair, I can offer the OIC in as an exhibit, and
21 then it would be attached to the transcript of
22 these proceedings as an exhibit.

23 CHAIRPERSON ANDERSON: Mr. Klein, I
24 want to argue we can have it, as it can be a
25 joint exhibit, but at a minimum, I personally

1 have not had a chance to review all eight pages,
2 and I'm not sure if the other board members have
3 had. What I would ask for you to do, sir, is to,
4 and I do have it in front of me. That's what I
5 was looking for. I will ask for you to just
6 summarize why we're here. You can just highlight
7 what is it that the licensee has to do. You said
8 eight pages.

9 I'll just say you can briefly
10 summarize the pertinent portions and how you
11 believe these portions will address the emergency
12 that existed, why this place has remained closed
13 and also inform the Board why you believe that
14 it's in the best interest of the residents of the
15 District of Columbia, why the Board should vote
16 to agree to accept this offer in compromise.

17 What I would also, once you have
18 presented the offer in compromise, the Board will
19 go into executive session to discuss it, and then
20 we will come back and let you know what our
21 decision is. So I just want to let you know, so
22 that's why just provide us sufficient information
23 so I know that we all have it, but just provide
24 us sufficient information for us to make an
25 educated decision on this case today if we're

1 going to accept. Okay?

2 MR. CELO: Yes, Mr. Chair. All right.
3 We are here today on a summary suspension with
4 regard to the establishment Play DC.

5 This summary suspension involves a
6 shooting that occurred inside the establishment
7 wherein a female patron was allowed to bring a
8 handgun into the establishment. After a couple
9 of arguments with security, that patron then
10 engaged in an altercation with another female
11 patron. The attackee, the victim of the first
12 altercation, was removed from the establishment,
13 but the gunwoman was not.

14 Shortly thereafter, she engaged in
15 another altercation with another patron, pulled
16 out her weapon, and shot that patron. She then
17 was able to recover an item off of the ground and
18 flee the scene and remains at large to this day.

19 We are here with an OIC because the
20 establishment has agreed to take significant
21 remedial steps to prevent any potential future
22 harm of this fashion to District residents.

23 In summation, the OIC requires, prior
24 to reopening, a revision of the security plan.
25 There are 22 specific revisions that are

1 required, but the highlights of that are to
2 ensure metal detection of all patrons, male and
3 female entering the establishment. The
4 establishment has ordered a walk-through metal
5 detector, but for the period before that
6 walkthrough detector is received, they will be
7 using metal-detecting wand as well as
8 subsequent pack downs and searches of all bags
9 entering the establishment.

10 There are requirements for increasing
11 and enhancing security as well as for improved
12 training of security. There are requirements for
13 the sale of alcohol and limiting that for
14 intoxicated patrons, as well as preserving crime
15 scenes and providing accurate information during
16 investigations.

17 There is a requirement to use the RDO
18 program through MPD and to improve camera
19 coverage of the facility or the establishment, as
20 well as incident logs and making sure that all
21 patrons, male and female, are thoroughly
22 searched.

23 The training shall occur before the
24 establishment reopens, the first training. The
25 training shall be repeated quarterly, and there

1 are additionally requirements for the licensee to
2 actively communicate with local community,
3 neighborhood organizations, MPD and APCA to share
4 information about potential public safety issues.

5 As for the security cameras, prior to
6 the lifting of the suspension, the licensee shall
7 ensure that all the security cameras are in full
8 working order and that footage can be saved and
9 maintained for 30 days.

10 A compliance walkthrough will also be
11 required prior to lifting the suspension to
12 ensure that the licensee is in full compliance
13 and the security plan has been approved not
14 before opening, but within 30 days.

15 The licensee has agreed to pay fines
16 totaling \$4,000, including \$2,000 for violation
17 of DC Code 25823 A2, allowing the establishment
18 to be used for a disorderly purpose, and \$2,000
19 for 25823 A5C, interfering with an ongoing
20 investigation.

21 As noted, those fines shall be payable
22 within 30 days, and the suspension shall be
23 lifted either on 08:00 a.m. Friday, August 18,
24 2023, or when the terms of the OIC are satisfied,
25 whichever occurs latter.

1 CHAIRPERSON ANDERSON: That's a
2 question I want to ask you. I know you briefly
3 talked about it, and the only reason why I'm
4 asking this question specifically, I know that
5 different establishments have different security
6 procedures for female patrons when they enter an
7 establishment.

8 And specifically because the
9 aggressive in this case was a female patron who
10 apparently entered the facility with a weapon
11 prior to, I think you had stated that the
12 establishment is going to have, I think you're
13 saying, what is it that the establishment is
14 going to have as part of its security measures to
15 enter the facility?

16 MR. CELO: Metal detectors.
17 Ultimately, they will have a walk through metal
18 detector. In the interim, they will be using
19 metal detecting wands supplemented with pat-downs
20 and bag searches.

21 CHAIRPERSON ANDERSON: And so this
22 will be done for all patrons, both male and
23 female. So they will go through the same
24 security procedure to enter the establishment?

25 MR. CELO: Correct. And the

1 establishment has agreed to hire the necessary
2 security personnel to ensure that that occurs.

3 CHAIRPERSON ANDERSON: And is it the
4 government's recommendation that if the Board was
5 to accept this offer in compromise, that the
6 emergency situation that was created based on
7 this event, it has been addressed?

8 MR. CELO: Yes. And furthermore, any
9 future show cause hearings would be resolved as
10 well through this offer in compromise.

11 CHAIRPERSON ANDERSON: Any questions
12 by the Board members? Go ahead, Mr. Short.

13 MEMBER SHORT: Yes. Hello, Mr. Celo.
14 What is it? Afternoon now, I guess. The offer
15 in compromise, and thank you for a great job, OEG
16 always does. But I'm just a little concerned
17 about and I can't even see, can we see the person
18 who holds the licensing?

19 CHAIRPERSON ANDERSON: Mr. Tesfaye,
20 can you pull your camera down a little bit, sir,
21 so we can see your face? Yes, that's fine, sir.
22 Yeah, just keep your camera like that.

23 MEMBER SHORT: Thank you very much.
24 The person who was assaulted or wounded or shot,
25 are they going to be coming back to this

1 location?

2 MR. TESFAYE: That's a family member.

3 MEMBER SHORT: The question for Mr.
4 Celo.

5 MR. CELO: That is a possibility. I
6 do understand that they are a family member of an
7 ABC manager of the establishment.

8 MEMBER SHORT: So the person who did
9 the shooting, well, please explain this.

10 MR. KLINE: The victim. Mr. Short,
11 you asked about the victim. The victim actually

12
13 MEMBER SHORT: I was asking about the
14 assaulter. Will the assaulter be coming back to
15 this establishment?

16 MR. CELO: No, sir.

17 MEMBER SHORT: And what's to keep that
18 person out?

19 MR. KLINE: Well, we know who they are
20 and they won't be let in. I mean, they're going
21 to be banned from the establishment.

22 MEMBER SHORT: They will be banned?
23 Would that be in writing?

24 MR. KLINE: We can certainly add that,
25 absolutely.

1 MR. CELO: I'm not aware that we know
2 the assailant's identity. If the establishment
3 does in fact know the assailant's identity, the
4 District would be very keen to learn that
5 information.

6 MR. KLINE: I may have misspoke. I
7 thought we did.

8 CHAIRPERSON ANDERSON: Well. The
9 person who was assaulted or the person who was
10 shot, would they be returning to this?

11 MR. KLINE: Yes, sir. There's no
12 reason why they should be banned. And they're
13 actually related to a current employee, so
14 there's a great deal of concern on the part of
15 the applicant for their well-being. I understand
16 that he seems to be doing okay, but there
17 certainly isn't any reason why they shouldn't be
18 able to return that I know of, unless

19 MEMBER SHORT: Thank you for that
20 answer, sir. Now, this is very important to me
21 and urgent to me. As attorney, you know me quite
22 well, and I'm stuttering because I'm just a
23 little concerned even about the training. So are
24 the same employees who patted this person down
25 going to be still doing the security for this

1 location?

2 MR. KLINE: No, they're not, and thank
3 you for asking that. I haven't had an
4 opportunity to speak yet, but we do have with us
5 today Barak Seener of Barack Security. There was
6 another security company that was there. They
7 were immediately terminated.

8 Barack is here, They will be making
9 use of that PO, and Mr. Seener informs me that
10 his SPOs not only do the necessary training to be
11 certified as a CS, and they also complete alcohol
12 awareness training along with Albert's 101
13 training. He's here, if you want to hear from
14 him.

15 MEMBER SHORT: How many security
16 persons is he going to be training, and what
17 credentials does he have to do training?

18 MR. KLINE: He is, and I am happy to
19 make him available, because he is here. He is
20 former Turkish Army Special Forces, I'm advised.

21 MEMBER SHORT: Well, that's good for
22 Turkey. Is he registered with the District of
23 Columbia police department?

24 MR. KLINE: Yes, sir, he is. These
25 are certified police officers.

1 MEMBER SHORT: That's what I wanted to
2 hear, because we are far from Turkey, and I don't
3 want what happened in Turkey to happen here.

4 MR. KLINE: No, no, I'm just giving
5 you a bit of his background in the special
6 forces, which is of course a high level of
7 training. As I said, he's here and if you want
8 to hear from him

9 MEMBER SHORT: My last question that you can
10 answer for me is this.

11 MR. KLINE: Sure.

12 MEMBER SHORT: They want to open up
13 this Friday coming, correct?

14 MR. KLINE: Based on what has to be
15 done

16 MEMBER SHORT: Yes or no answer. Do
17 they expect to open this Friday?

18 MR. KLINE: No. I don't think we're
19 going to have everything completed. We need to
20 file the security plan and you need to look at
21 it. The OIC specifically provides for a
22 walkthrough of the establishment by ABCA
23 personnel to make sure that the camera placement
24 is adequate, and that the other measures required
25 by the OIC are in place.

1 So yes, of course the business is
2 anxious to get reopened. They've been closed for
3 a period of time, but they also recognize that
4 the OIC lays out that there are requirements that
5 have to be met before they can reopen.

6 MEMBER SHORT: Thank you. That's all
7 I have, Mr. Chair.

8 CHAIRPERSON ANDERSON: Any other
9 questions by any of the other Board members?

10 MEMBER GRANDIS: Mr. Chairman?

11 CHAIRPERSON ANDERSON: Go ahead, Mr.
12 Grandis.

13 MEMBER GRANDIS: Thank you. Mr. Celo
14 and Ms. Oni, did I say that close enough?

15 MS. ONI: Yes, that's correct.

16 MEMBER GRANDIS: Thank you all for
17 your presentation today. I think you may be
18 hearing questions from us today more than usual,
19 because we just received this and we're trying to
20 accommodate the licensee and the agency in moving
21 forward.

22 So, looking at this, I understand that
23 the attorney already made a statement regarding
24 when they may reopen, but it just seems
25 inconsistent that the revised security plan must

1 be submitted by August 30. Yet it says they may
2 be able to open on August 18.

3 To me, it just seems like if the
4 security plan may not be delivered to the 30th,
5 which means they won't open on the 18th, but to
6 me, it just seems inconsistent to have that.

7 Next, I see the word violent
8 throughout here, and it would look like that from
9 my knowledge that when you have an incident log,
10 it's not just for, quote, violent situations, but
11 it's for incidents that occur at an
12 establishment.

13 So I'm sort of concerned that the word
14 violent is not defined, and the licensee may have
15 a different interpretation of what violent is
16 from what the AG's office or the agency may have.
17 So I'm only pointing that out that it's a
18 concerning word to me. It says all patrons.

19 Well, we've had incidents come before
20 us that dealt with security personnel coming in
21 with a gun or coming in with a knife, I think,
22 recently. So does patrons include the security
23 staff? Does patrons include the staff of the
24 licensee? Because it seems like we've had
25 incidents come to us that were not merely people

1 who are customers, but people who were employed
2 or contract labor.

3 Regarding the cameras, I think we all
4 appreciate the effort here that the licensee is
5 offering, but does this also allow our
6 investigators to advise where cameras should be
7 placed because they have expertise that may be
8 helpful to the licensee? So that's, again, I'm
9 just puzzled by making sure that our
10 investigators can be part of that decision
11 process.

12 MR. KLINE: May I respond to that

13 MEMBER GRANDIS: Not yet. I'm not
14 finished. Thank you.

15 MR. KLINE: Okay. If I could try to
16 address that

17 MEMBER GRANDIS: I'm not finished.

18 MR. KLINE: Oh, I'm sorry. I thought
19 you said that you were.

20 MEMBER GRANDIS: Let me finish. It
21 also says they should be trained within 14 days.
22 Well, I think we all appreciate the integrity of
23 the licensee wanting to have these individuals
24 trained, but who's doing the training? Once
25 again, you may be able to address that, but Mr.

1 Chairman, Mr. Anderson, I'm very much
2 appreciative of you giving it this time. I just
3 needed to sort of help get some clarification.
4 Thank you very much.

5 CHAIRPERSON ANDERSON: Either Mr. Celo
6 or Mr. Kline, if you're able to respond.

7 MR. KLINE: So in terms of violence
8 and violent incidents, my understanding and
9 impression and would so advise the licensee, that
10 that would involve any physical altercation
11 involving anyone in the establishment, be it
12 patrons or employees or what have you.

13 And that would be what would be
14 reported in an incident log. I'm not sure that
15 we necessarily want to be more specific than
16 that, because I would presume that the Board
17 would want that to be expansive. So if it
18 involves any physical altercation or attempt at a
19 physical altercation on the record, in my mind,
20 that's what violence is and that is what would
21 need to be reported.

22 MEMBER GRANDIS: I appreciate you
23 offering your interpretation, because I think we
24 all would agree any altercation would be

25 MR. KLINE: Attempted altercation,

yes. MEMBER GRANDIS: Thank you.

MR. KLINE: I'm going to skip over the patron issue for a minute. We'll come back to in terms of cameras and their placement, the whole purpose of the walkthrough is to do exactly that and the licensee welcomes any recommendations from ABCA staff. I've been through this before, obviously, and I know that the Board wants to see coverage and wants to see adequate coverage. And our clients have many times worked with our investigators.

There used to be someone who specifically had that expertise among the investigators. But whoever it is, the applicant is willing to work with, and if the camera placement is not appropriate or is inadequate in terms of number, that is something that they're prepared to address.

In terms of training, as I said, I have Barak Seener here. He's available. He's the one that will be doing the training. He can talk about his qualifications and his background. Happy to make him available so that the Board is comfortable in terms of the training.

1 The second issue I didn't quite
2 understand in terms of in addition to patrons,
3 employees, or others, if you could just clarify
4 your concern for me so that I can address that.

5 MEMBER GRANDIS: We have had incidents
6 come before the Board where it wasn't a patron,
7 which I would identify as a customer, but it was
8 a security guard who actually had a weapon on his
9 or her person. And that included a gun, and that
10 included a knife. Not the same incident.

11 So I'm saying it would be helpful if
12 we had assurances, and I know we cannot rewrite
13 this, this is from the government, and I respect
14 that, but it'd be helpful if clarification was
15 that, yes, the security guards are also warned or
16 whatever so that they aren't bringing weapons
17 themselves into the establishment.

18 MR. KLINE: I don't think we have an
19 issue with that. I think my only issue with that
20 might be and I haven't spoken to Mr. Seener about
21 this, but if any of these SPOs are properly
22 authorized as law enforcement to have weapons,
23 then that might be a different story.

24 I don't know that to be the case, but
25 I just caution in terms of diving in and saying

1 and making a representation that no, no one will
2 have weapons, because if they're properly
3 trained, properly licensed, and authorized as law
4 enforcement to do that, then I would think that
5 that might be appropriate. So I wouldn't want to
6 be over broad.

7
8 Certainly if someone's smuggling a
9 knife in or smuggling a gun in yeah, we share
10 that concern and agree with you that it would be
11 appropriate that that not be the case. I think
12 when you have SPOs as opposed to just people off
13 the street that you hire as security, hopefully
14 there's a higher level and there's a higher
15 standard. They are certified. They do have to
16 be registered.

17 And I think at some point we got to be
18 able to trust somebody. And given that there is
19 a certification, it would seem to me to be
20 appropriate.

21 I don't know whether the circumstances
22 that you're describing involved SPOs or just
23 regular security, but I'm thinking the fact that
24 they are SPOs, I know Mr. Short raises this
25 question with me many times during these

1 hearings, but these are SPOs, according to Mr.
2 Seener.

3 But I would think that that would be
4 a higher level, and we might have a greater
5 willingness to trust their judgment in terms of
6 what they're doing, in terms of policing the
7 establishment.

8 MEMBER GRANDIS: Thank you, Mr. Kline.
9 And, Mr. Chairman, I'm done. Thank you very much
10 for the opportunity.

11 CHAIRPERSON ANDERSON: Thank you, Mr.
12 Grandis. Any other questions by any other Board
13 members? Any other further representation needs
14 to be made by either party?

15 MR. KLINE: I just have one issue that
16 came up in working with Mr. Seener. It was
17 something that I did not become aware of until
18 today, and that is when this happened, my client
19 immediately went out and ordered this walkthrough
20 metal detector.

21 Mr. Seener advises that he thinks that
22 handheld wands are more effective unless you go
23 to something called a level seven walkthrough
24 detector, which is what's used in the airports,
25 and that the use of a walk through may provide a

1 false sense of security, if you will, and that it
2 might be more appropriate to continue with the
3 wands.

4 So I just, you know, want to be
5 forthright with the Board on that, and we may ask
6 that that particular condition be tweaked such
7 that wanding would be the way they'd still be
8 metal detectors. But Mr. Seener believes that
9 the wands, unless you go all the way up to a
10 level seven, which is a whole different animal in
11 terms of cost and in terms of installation and
12 everything else, that the handheld wands are
13 probably the way to go.

14 And I apologize to Mr. Celo that he
15 and I did not have the opportunity to discuss
16 that previously, but I just learned it at midday
17 today.

18 MR. CELO: I understand the reason for
19 the late notice, and I don't have an issue with
20 that. I would say that the District does not
21 have a clear position on this point. I would
22 request that such a change be made through
23 written motions, that the specific assertions,
24 perhaps an affidavit, could be included so that
25 it could be properly evaluated.

1 MR. KLINE: I think that's an
2 excellent idea and where we were headed, frankly,
3 given where we are procedurally. Thank you for
4 that.

5 CHAIRPERSON ANDERSON: Any other
6 questions, comments? The Board then will make a
7 decision on the offer in compromise as written.
8 And as you're aware, the Board can either accept
9 it or reject it. The Board cannot make any
10 changes to it. All right. Any other questions?

11 MR. CELO: No. The only thing I would
12 say is if the Board were inclined to reject it,
13 and there were thoughts as to why it is being
14 rejected, then I think it would be helpful to
15 both the government and the licensee to
16 understand what those are, so that perhaps it
17 could be modified in a way that might satisfy the
18 Board.

19 CHAIRPERSON ANDERSON: All right.
20 Okay. I'm not quite sure where, we will take
21 that in advisement. All right. As Chairperson
22 of the Alcohol, Beverage and Cannabis Board for
23 the District of Columbia, in accordance with DC
24 Official code section 2575 of the Open Meetings
25 Act, I move that ABC Board hold a closed meeting

1 for the purpose of seeking legal advice from our
2 council.

3 Please let me find this case on case
4 number 23-251-00017, Play DC Restaurant and
5 Lounge. This one is the DC official code section
6 2575 B4A of the Open Meeting Act and deliberating
7 upon case number 23-251-00017, Play DC Restaurant
8 and Lounge, for the reason cited in DC code
9 section 2575 B13 optimal for bringing back. Is
10 there a second?

11 MEMBER HANSEN: Second.

12 MEMBER GRANDIS: Second.

13 CHAIRPERSON ANDERSON: Mr. Grandis and
14 Ms. Hanson have seconded the motion. I will now
15 have a roll call vote. Mr. Short?

16 MEMBER SHORT: James Short, I agree.

17 CHAIRPERSON ANDERSON: Ms. Hansen?

18 MEMBER HANSEN: Jeni Hansen, I agree.

19
20 CHAIRPERSON ANDERSON: Mr. Grandis?

21 MEMBER GRANDIS: Edward Grandis, I
22 agree.

23 CHAIRPERSON ANDERSON: Mr. Anderson,
24 I agree. As it appears the motion passed, I
25 hereby give notice that ABC Board will recess its

1 proceedings to the closed meeting pursuant to
2 section 2575 of the Open Meeting Act. It is
3 2:24. We'll try to come back on the record at
4 2:35. If we need more time, I will let you know,
5 but everyone should be prepared to be back on the
6 record at 2:35. All right, thank you.

7 So I now ask all Board members to
8 return to executive session for further action.
9 Thank you.

10 (Whereupon the above entitled matter
11 went off the record at 2:24 p.m. and resumed at
12 2:56 p.m.)

13 CHAIRPERSON ANDERSON: We're back in
14 the record. This is a summary suspension hearing
15 regarding Play DC. This has been a very
16 contentious, difficult case for the Board. A
17 very serious incident occurred in the sense of an
18 individual was shot in this establishment, and
19 the Board is concerned about the security
20 procedures that this establishment needs to take
21 to move forward.

22 And so, in its deliberation, the Board
23 went back and forth. But my recommendation to
24 the Board is that we accept the offer in
25 compromise. Any Board member, after we have

1 voted, any Board member who wishes to express
2 publicly their position, they are able to do so.

3 So I make a motion that the offering
4 compromise be accepted if there are seconds.

5 MEMBER SHORT: Mr. Short seconds.

6 CHAIRPERSON ANDERSON: Mr. Short has
7 seconded the motion. We will now have a roll
8 call vote. Mr. Short?

9 MEMBER SHORT: Mr. Short, I agree.

10 CHAIRPERSON ANDERSON: Ms. Hansen.

11 MEMBER HANSEN: Jeni Hansen, I agree.

12 CHAIRPERSON ANDERSON: Mr. Grandis.

13 MEMBER GRANDIS: Mr. Grandis, and I do
14 not support this OIC

15 CHAIRPERSON ANDERSON: Hold on. And
16 Mr. Anderson, I agree to support the OIC. The
17 matter passes, three to one. Mr. Grandis, go
18 ahead, please.

19 MEMBER GRANDIS: Just so it's clear
20 for the record. I appreciate the efforts that
21 the licensee and the AG's office has worked hard
22 and diligently. I'm just not sure that the
23 provisions of 25-836, which says security plans
24 and security cameras is fully articulated in this
25 particular OIC. And perhaps I'll get assurances

1 when we see the security plan that is submitted,
2 but I cannot support the OIC as provided to us
3 today. Thank you.

4
5 CHAIRPERSON ANDERSON: Mr. Short, do
6 you want to say something, sir? Go ahead.

7 MEMBER SHORT: Yes, I would. And I'd
8 like just to direct this to attorney Kline, Mr.
9 Kline. You stated that security is going to be
10 SP officers coming around and that you aren't
11 sure if they're going to be armed or unarmed.
12 I'd like to go on public record and say directly
13 to you and any other business owner in this town
14 who deals with ABCA regulations that there should
15 be no guns, no weapons by even security guards
16 inside of places of public assembly where alcohol
17 is being served, sold, and delivered.

18 And Mr. Kline, I hope that you agree
19 me and that even if these persons get a new
20 security company, that they will know whether
21 they are SPOs or whomever else, this Board at
22 least either Board member. And I think this with
23 all Board members, we don't want weapons inside
24 of places of public assembly, especially where
25 people are drinking alcohol. Do you agree with

1 that, or disagree?

2 MR. KLINE: I personally agree a
3 hundred percent with that, and have expressed to
4 this Board on more than one occasion my very
5 grave concern about the proliferation of handguns
6 not only in the District, but in this country.
7 So I'm with you all the way on that. There are
8 others, however, who believe that the second
9 amendment says something that I don't believe it
10 says. But that's not something we need to debate
11 today.

12 MEMBER SHORT: Well, thank you very
13 much for that. But as long as we're on public
14 record, you and I agree that there should not be
15 guns inside of places of public assembly in the
16 District of Columbia.

17 I don't think the second amendment
18 says that or anything else says that. And I
19 think that since this Board has some reasonable
20 recognition as being persons who oversee ABC's
21 establishments, I wanted to be loud and clear,
22 especially for the owners to hear. We do not
23 like or want guns inside of places of public
24 assembly.
25 They're not legal. And probably we're going to

1 have to do something with our code book about
2 that.

3 But right now, I'd just like to go on
4 record, and I thank you, Mr. Kline, for
5 supporting what I said. And I hope that the
6 owner of this establishment realizes whether
7 those people are whatever trained, they should
8 not have weapons inside of your club. Guns,
9 knives, brass knuckles, or anything else.

10 And our Board member worded it pretty
11 plainly too, but I'm not going to keep beating a
12 dead horse. I hope that the owner and would he,
13 can you acknowledge, sir, that you hear what we
14 said about guns or weapons inside of your place?

15

16 MR. TEFAYE: Yes, sir, I understand.

17 MEMBER SHORT: Do you agree that you
18 would not have any guns by anybody inside of your
19 club?

20 MR. TEFAYE: Yes, I agree what you're
21 saying.

22 MEMBER SHORT: Thank you very much.
23 That's all I have, Mr. Chair.

24 CHAIRPERSON ANDERSON: Thank you, Mr.
25 Short. Anyone else wants to speak? As you see,

1 this is an issue that all Board members are
2 concerned about. We take what happens in these
3 establishments very seriously, and we are trying
4 to ensure that if you receive a license from us,
5 we're going to hold you accountable what happens
6 in your establishment.

7 And so, good luck. We look forward to
8 receiving the security plan that has all the
9 agreements that were provided. That security
10 plan would provide it to the agency, and the
11 Board would have an opportunity to review it.

12 And then, as per the offering
13 compromise, once the security plan has been
14 approved, then the establishment will be allowed
15 to be open. But as all Board members have
16 expressed what their concerns are and so you're
17 aware of what the concerns are of the agency.
18 Thank you very much. Have a great day.

19 MR. KLINE: Thank you. Mr. Chairman,
20 members of the Board.

21 CHAIRPERSON ANDERSON: Right. And
22 with that, we're at the end of, let me make sure
23 just let me close the record for the day, I want
24 to make sure that this is the last case for our
25 afternoon. This is the last case. The Board

1 unless there is another summary suspension
2 hearing, the Board goes on recess as of today
3 until September 13.

4 So, as chairperson of the Alcohol,
5 Beverage, and Cannabis Board for the District of
6 Columbia, and in accordance with Title 3, Chapter
7 4 or 5, Office of Over Government, I move that
8 ABC Board hold a closed meeting on September 13
9 for the purpose of discussing any reports
10 concerning ongoing or planned investigations of
11 alleged criminal or civil misconduct or
12 violations of law or regulations and seeking
13 legal advice from our legal counsel on the
14 Board's investigative agenda, legal agenda and
15 licensing agenda for September 13 as published in
16 DC Register on September 9.

17 I will now, is there a second?

18 MEMBER GRANDIS: Second.

19 CHAIRPERSON ANDERSON: As Mr. Grandis
20 has seconded the motion, I will now take a roll
21 call, voting the motion, of course, now that it's
22 been second. Mr. Short.

23 MEMBER SHORT: Mr. Short. I agree.

24 CHAIRPERSON ANDERSON: Mr. Grandis.

25 MEMBER GRANDIS: Edward Grandis? I

1 agree.

2 CHAIRPERSON ANDERSON: Mr. Grandis.

3 MEMBER GRANDIS: Mr. Grandis, and I
4 agree.

5 CHAIRPERSON ANDERSON: Mr. Anderson,
6 and I agree. As it appears that the motion has
7 passed, I hereby give notice that ABC Board will
8 host the closed meeting pursuant to the Open
9 Meetings Act. Notice will also be posted on the
10 ABC Board hearing room bulletin board, placed on
11 electronic calendar on ABCA'S website, and
12 published in the DC Register in as timely manner
13 as practical.

14 We're now adjourned for the day.
15 We're adjourned for the summer, unless there's
16 another emergency hearing that will have us come
17 back earlier. You have a great summer.

18 Good luck to you, sir, and hope that
19 we don't meet again under these circumstances.
20 All right, have a great day. We're now adjourned
21 for the day.

22 MR. KLINE: And I will wish the Board
23 members a pleasant recess, whatever that
24 encompasses.

25 CHAIRPERSON ANDERSON: Thank you, Mr.

1 Kline. All right.

2 MR. KLINE: Thank you.

3 CHAIRPERSON ANDERSON: I now ask all
4 Board members to return to executive session for
5 further the development. Thank you. Have a
6 great afternoon.

7 (Whereupon the above entitled matter
8 went off the record at 3:05 p.m.)
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Before: DC ABCA

Date: 08-16-23

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